

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MADGE *et al.*

Appl. No.: 10/659,178

Filed: September 9, 2003

For: **Boronic Acid Salts**

Confirmation No.: 7469

Art Unit: 1621

Examiner: VALENROD, Yevgeny

Atty. Docket: 2451.0090006/BJD/GER

**Tenth Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Tenth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Ninth Supplemental Information Disclosure Statement filed on September 18, 2007, in connection with the above-captioned application.

A copy of document, **NPL7**, is submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, cited on the attached IDS Form PTO/SB/08A as documents **US5** to **US7**, are not submitted.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith an Office Action from the related co-pending U.S. Patent Application No. 10/937,854 as

Document **NPL7**. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

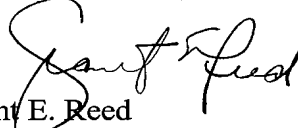
This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Grant E. Reed
Attorney for Applicants
Registration No. 41,264

Date: 10/16/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

728871_1